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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,731	09/10/2003	John M. Vincak	10532	3889

7590 01/07/2005

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,731

Applicant(s)

VINCAK, JOHN M.

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This is the second office action for application number 10/659,731, Work Stand, filed on September 10, 2003.

*• Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

*The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.*

The disclosure is objected to because of the following informalities:

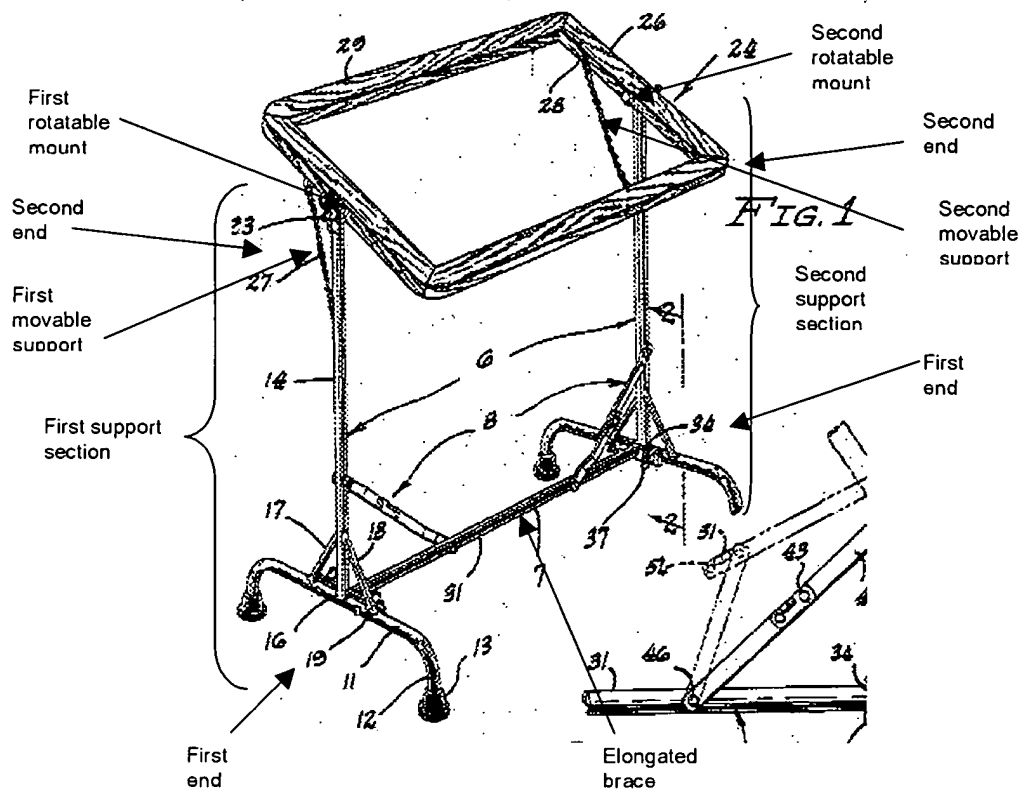
In the abstract, line 1, "A work stand is disclosed. The" should be --A--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 2,675,981 to Ferris.

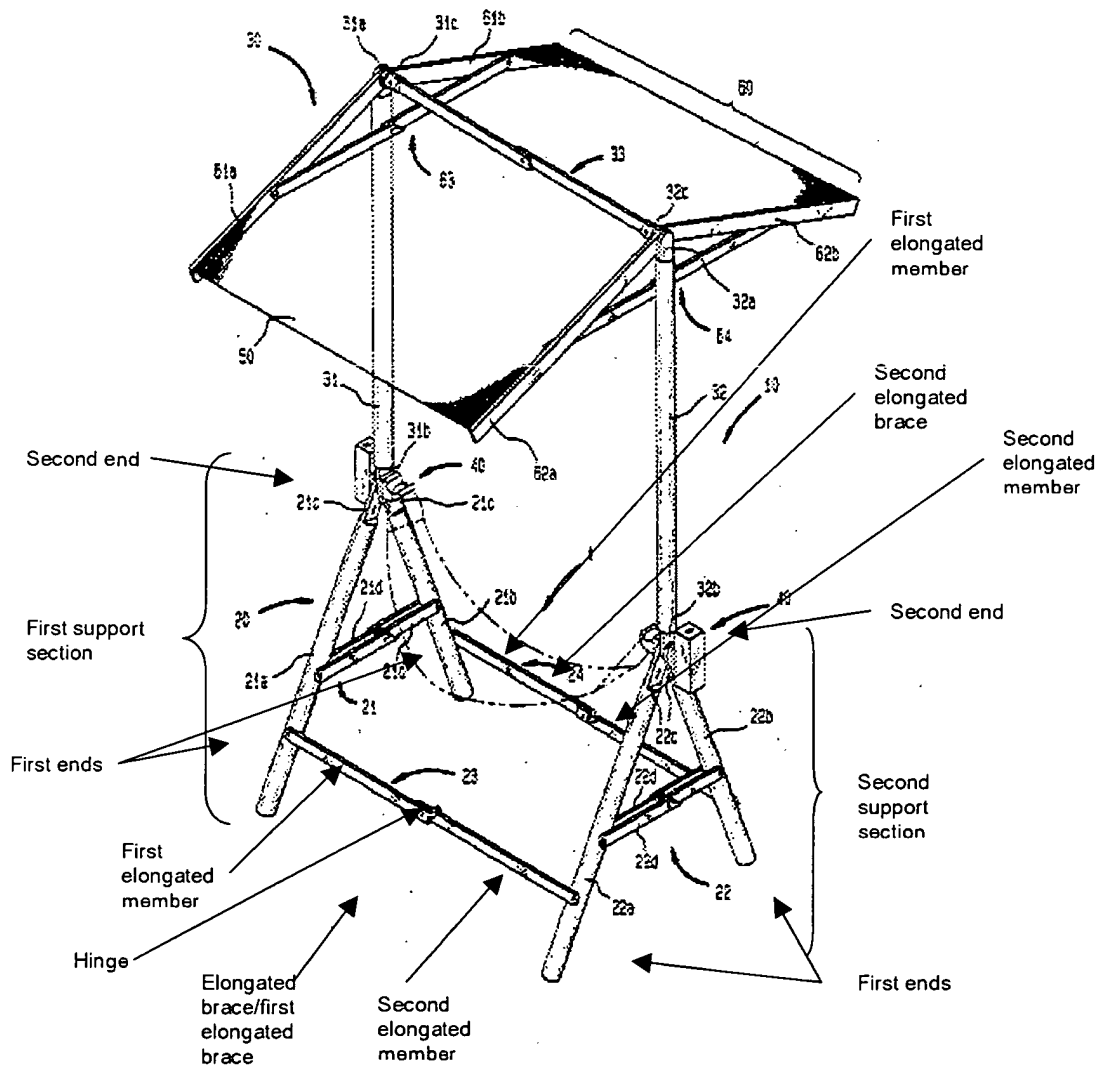


Ferris '981 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (above) disposed upon the first support section proximate to the second end thereof ("proximate" is defined in Merriam Webster's Collegiate Dictionary - 10<sup>th</sup> Edition as being "close," so clearly, the first rotatable mount is disposed "close" to second end of the first support section; further, all subsequent uses of the term "proximate" in this office action will use the same meaning, and all features being compared as "proximate" are clearly "close" to one another), a second rotatable mount (above) disposed upon the second support section proximate to the second end thereof, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side of elongated brace above) attached to/disposed on the second support section proximate to the first end

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thereof, a first movable support (above) disposed upon the first support section proximate to the first rotatable mount and beneath the first rotatable support, a second movable support (above) disposed upon the second support section proximate to the second rotatable mount and beneath the second rotatable mount.

Claims 1-4 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,046,203 to de Cuadros.



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Regarding claims 1-4, 10 and 11, de Cuadros '203 discloses a stand (above) comprising first and second support sections (above) each having first and second ends, a first rotatable mount (41, it can rotate about the threads) disposed upon the first support section proximate to the second end thereof, a second rotatable mount (41, it can be rotated about the threads) disposed upon the second support section proximate to the second end thereof, a first movable support (31,31b, see column 3, lines 2-3, "pivotally") disposed upon the first support section proximate to the first rotatable mount, an elongated brace (above) having a first end (left end of elongated brace above) attached to/disposed on the first support section proximate to the first end thereof and a second end (right side of elongated brace above) attached to/disposed on the second support section proximate to the first end thereof, wherein the elongated brace further comprises a first elongated member (above) having first and second ends (left and right sides respectively, above), and a second elongated member (above) having first and second ends (right and left sides respectively, above), whereby the first end of the first elongated member is pivotally attached to the first support section proximate to the first end of the first support section, the first end of the second elongated member is pivotally attached to the second support section proximate to the first end of the second support section, and the second end of the first elongated member is pivotally attached to the second end of the second elongated member, wherein a hinge (above, 33f, see column 3, lines 35-52).

Further, regarding claim 12, de Cuadros '203 teaches the first support section to have first and second legs (21a,21b) each having first and second ends (above), wherein the second ends of the first and second legs are substantially together and the first ends of the first and second legs are substantially apart, and the second support section to have first and second legs (22a,22b) each having first and second ends (above), wherein the second ends of the first and

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second legs are substantially together and the first ends of the first and second legs are substantially apart,

wherein the stand further includes a first support brace (21d) having a first end connected to the first leg of the first support section proximate to the first end of the first leg of the first support section, and the second end of the first support brace is connected to the second leg of the first support section proximate to the first end of the second leg of the first support;

wherein the stand includes a second support brace (22d) having a first end connected to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the second support brace is connected to the second leg of the second support section proximate to the first end of the second leg of the second support section;

wherein the above mentioned elongated brace is a first elongated brace, wherein the first elongated member of the first elongated brace has a first end pivotally attached to the first leg of the first support section proximate to the first end of the first leg of the first support section, wherein the first end of the second elongated member of the first elongated brace is pivotally attached to the first leg of the second support section proximate to the first end of the first leg of the second support section, and the second end of the first elongated member of the first elongated brace is pivotally attached to the second end of the second elongated member of the first elongated brace,

wherein the stand further includes a second elongated brace (above), wherein a first elongated member of the second elongated brace has a first end pivotally attached to the second leg of the first support section proximate to the first end of the second leg of the first support

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section, wherein the first end of a second elongated member of the second elongated brace is pivotally attached to the second leg of the second support section proximate to the first end of the second leg of the second support section, and the second end of the first elongated member of the second elongated brace is pivotally attached to the second end of the second elongated member of the second elongate brace.

### *Claim Rejections - 35 USC § 103*

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris '981.

Ferris '981 discloses the previous invention wherein it appears the first and second movable mounts are respectively mounted on the inside or outside of the first and second support sections, but it is not completely clear whether they are in fact mounted on either the inside or the outside of the support sections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have respectively mounted the first and second movable mounts on the inside or outside of the first and second support sections so as to either provide easier access to the movable mounts (if mounted on the outside) or to provide greater concealment of the movable mounts for aesthetical reasons (if mounted on the inside). Further, either configuration would provide sufficient support of an object utilizing the stand.

### *Response to Arguments*

Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive.

Regarding page 8 of the remarks, the applicant is confused as to the objection over the abstract. See clarification above.



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Continuing, on the bottom of page 10, the applicant alleges that what the Examiner is referring to not a “movable support,” but merely a chain. However, “support” is defined in Merriam Webster’s Collegiate Dictionary - 10<sup>th</sup> Edition as “one that supports” and to “support” is defined as to “assist” or “help”. Clearly, the chain of Ferris ‘981 “assists” or “helps” in limiting tilting movement, and inherently, the chain is movable. Thus the chain is a movable support.

Further, the applicant contends that the stand in claim must have only one support section. This is not true. Line 1 of claim 1 reads “A work stand for supporting a workpiece, *comprising*.” Thus, the stand must have *at least* those features recited after the term “comprising,” *not only* those terms after the term “comprising”. Therefore, both the inventions of Ferris ‘981 and de Cuadros ‘203 have one support section.

Finally, on page 16, the applicant for some reason maintains that the movable chain is not mounted on “any conceivable interior or exterior of the support,” and further, that there is no motivation to do so. The Examiner disagrees. With reference to figure 1 of Ferris ‘981, it appears that the movable supports are in fact mounted on either the exterior or interior of the supports, and it would be obvious to mount the movable supports on either the exterior or interior of the supports for reasons as previously described.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

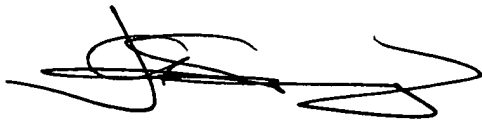
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
January 4, 2005